

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20186 of 2017

Arising Out of PS.Case No. -972 Year- 2016 Thana -BANKA District- BANKA

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1. Hub Lal Yadav, Son of Siru Yadav.
2. Sita Ram Yadav, Son of Siru Yadav.
Both are Resident of Village- Rampur,Upartola, P.S.+ District- Banka.
.... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 25-05-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Banka P.S. Case No. 972 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 447, 338, 307, 302, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 / 4 of Explosive Substance Act.

Allegedly, the grand father of the informant purchased 8 Katha land in the name of his eldest son, Siru Yadav. His grand father portioned the land in 3 parts among three brothers of Siru Yadav but Siru Yadav did not want to give the share to other brothers and for that Renu Devi came and threatened the informant. The informant further alleged that the petitioners along with others after forming unlawful assembly came to his house



and Marhar Raut threw bomb on his father Bishu Yadav and his father died instantly, Ganesh Yadav also threw bomb aiming at the informant but the informant saved himself.

Submission is of false implication and that the petitioners are named in the FIR but no specific allegation is made against them, the petitioners are merely members of unlawful assembly, similarly situated co-accused Siru Yadav, Thuma Devi and Manjhu Devi have been allowed bail vide order dated 19.04.2017 passed in Cr. Misc. No. 14876 of 2017 by another co-ordinate Bench of this Court and as such the petitioners deserve sympathetic consideration.

Learned APP fairly submits that other three co-accused have been allowed bail.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 972 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on



each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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